

ALLEGED SHIPMENT: On or about July 28, 1952, by Ray Ewing Co., Inc., from Kansas City, Mo.

PRODUCT: 31 50-pound bags of swine mix at Des Moines, Iowa. Analysis showed that the product contained 50 percent of the declared amount of vitamin D.

LABEL, IN PART: "Ray Ewing Swine Mix * * * Contains Not Less Than: * * * Vitamin D-2, USP Units 400,000."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted from the article.

Misbranding Section 403 (a), the label statement "Contains Not Less Than: * * * Vitamin D-2, USP Units 400,000" was false and misleading as applied to the article, which contained less than that amount of vitamin D.

DISPOSITION: October 10, 1952. Ray Ewing Co., Inc., Pasadena, Calif., claimant, having alleged that the deficiency of the product in vitamin D₂ content at the time of seizure was due to loss or dissipation by processes of oxidation after manufacture, but admitting that, at the time of seizure, the allegations of the libel were true, judgment of condemnation was entered.

The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration, by reworking and remixing the product so as to add sufficient vitamin D₂ necessary to bring up such vitamin content in the product to the amount declared on the label.

FISH AND SHELLFISH

20122. Adulteration and misbranding of canned salmon. U. S. v. 75 Cases * * *. (and 1 other seizure action). (F. D. C. Nos. 23183, 23201. Sample Nos. 66763-H, 66768-H.)

LIBELS FILED: On or about June 17 and 18, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about April 16 and 23, 1947, by the United Food Specialty Co., from Detroit, Mich.

PRODUCT: 84 cases, each containing 48 cans, of salmon at Bronx, N. Y., and New York, N. Y.

LABEL, IN PART: (Cans) "Bumble Bee Brand Columbia River Fancy Chinook Salmon Net Contents 7 $\frac{3}{4}$ Oz. Packed By Columbia River Packers Assn., Inc. Astoria, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), red salmon had been substituted in whole or in part for chinook salmon, which the article was represented to be.

Misbranding, Section 403 (a), the label designation "Columbia River Fancy Chinook Salmon" was false and misleading as applied to red salmon; and the label statement "Packed By Columbia River Packers Assn., Inc., Astoria, Oregon" was false and misleading since the article was not packed by that firm.

DISPOSITION: January 29, 1951. I. Ostrover & Sons, New York, N. Y., claimant, having consented to the entry of a decree and the libel actions having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling.

20123. Alleged adulteration and misbranding of oysters. U. S. v. J. Loren Sterling, Ira R. Howard, and Morris L. Milbourne (Milbourne Oyster